

# House File 542 - Introduced

HOUSE FILE 542

BY PEARSON

## A BILL FOR

1 An Act relating to jurors judging the law as well as finding  
2 the facts in a trial.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **624.39 Jury right to judge law.**

2     1. In all cases where the state or a political subdivision  
3 of the state is the plaintiff, the rights of the defendant  
4 include the right to inform the jury of the jury's right to  
5 judge the law as well as be finders of fact, and to render a  
6 verdict based upon conscience.

7     2. *a.* The right of the jury to judge the law and to render  
8 a verdict based upon conscience in subsection 1 is absolute  
9 and shall not be limited by the rules of civil or criminal  
10 procedure, the juror's oath, a court order, or a procedure or  
11 practice of the court.

12    *b.* A method or procedure shall not be used to exclude or  
13 limit the empanelment of a juror willing to exercise the right  
14 of a juror to judge the law and to render a verdict based upon  
15 conscience.

16    3. After a jury has been informed of the right to judge  
17 the law and to render a verdict based upon conscience, a party  
18 shall not be prohibited from presenting arguments to the jury  
19 which relate to issues of the law and conscience, including but  
20 not limited to the following:

21    *a.* The merit, intent, constitutionality, or applicability  
22 of the law in the case.

23    *b.* The motive, moral perspective, or circumstances of the  
24 defendant.

25    *c.* The degree and direction of guilt or actual harm done in  
26 the case.

27    *d.* The punishment, penalty, or other sanction that may be  
28 applied to the losing party.

29    4. It shall be grounds for a mistrial if the court prohibits  
30 a party from informing the jury about the right of the jury to  
31 judge the law and to render a verdict based upon conscience,  
32 to prohibit arguments appealing to conscience as provided in  
33 subsection 3, or to instruct a jury to not act as judges of the  
34 law.

35                   EXPLANATION

1     This bill relates to jurors judging the law as well as acting  
2 as finders of fact in a trial.

3     The bill provides that in cases where the state or a  
4 political subdivision of the state is the plaintiff, the rights  
5 of the defendant include the right to inform the jury to judge  
6 the law as well as be finders of fact, and to render a verdict  
7 based upon the law and conscience.

8     The bill establishes the right of the jury to be absolute and  
9 not to be limited by the rules of civil or criminal procedure,  
10 the juror's oath, a court order, or a procedure or practice of  
11 the court.

12    The bill prohibits the use of a method or procedure to  
13 exclude or limit the empanelment of a juror willing to exercise  
14 the right to judge the law.

15    Under the bill, a party may present evidence relating to the  
16 merit, intent, constitutionality, or applicability of the law  
17 in a case; the motive, moral perspective, or circumstances of  
18 the defendant; the degree and direction of guilt or actual harm  
19 done in the case; and the punishment or sanction which may be  
20 applied to the losing party in the case.

21    Under the bill, it is grounds for a mistrial if the court  
22 prohibits a party from informing the jury about the right of  
23 the jury to judge the law, to prohibit arguments appealing to  
24 conscience as provided in subsection 3, or to instruct a jury  
25 to not act as judges of the law.